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1 — Chemical plant in Live Oak left legacy of pollution, San Antonio Express-News, 9/7/2016

<http://www.expressnews.com/news/local/article/Chemical-plant-in-Live-Oak-left-legacy-of-9208563.php>

Pollution from a former chemical plant in Live Oak has contaminated soil and shallow groundwater and could eventually make its way into the Edwards Aquifer, according to the U.S. Environmental Protection Agency.

2 — EPA adds Gold King Mine to list of Superfund site, Farmington (NM) Daily Times, 9/7/2016

<http://www.daily-times.com/story/news/local/four-corners/2016/09/07/epa-adds-gold-king-mine-list-superfund-site/89971430/>

A Colorado mine that spewed 3 million gallons of contaminated wastewater into rivers in three Western states was designated a Superfund site Wednesday, clearing the way for a multimillion-dollar federal cleanup.

3 — Hundreds turn out to hear experts speak, take questions at earthquake forum, Tulsa World, 9/8/2016

http://www.tulsaworld.com/earthquakes/hundreds-turn-out-to-hear-experts-speak-take-questions-at/article_c3192720-7964-5678-ac86-15ed831aa895.html

The vast majority of people at a public forum on earthquakes Wednesday night raised their hands to show that they felt the record temblor centered near Pawnee on Saturday.

4 — EPA Shuts Down Disposal Wells On Osage Tribal Land After Pawnee Earthquake, News 9 OKC, 9/7/2016

<http://www.news9.com/story/33042814/epa-shuts-down-disposal-wells-on-osage-tribal-land-after-pawnee-earthquake>

The federal government is now taking action in response to Saturday's big earthquake.

The EPA confirmed Wednesday that, acting on the authority of the Safe Drinking Water Act, it is mandating the shut in of 17 wastewater disposal wells on Osage Nation land.

5 — Storm preparedness stressed during summit of Army Corps, local officials, Houston Chronicle, 9/7/2016

<http://www.houstonchronicle.com/neighborhood/bayarea/news/article/Storm-preparedness-stressed-during-summit-of-Army-9208786.php>

The fragility of the narrow strips of sand that form Galveston Island and the Bolivar Peninsula came into sharp focus from the seat of a Blackhawk helicopter Wednesday.

6 — Texas Found 276 Cases of Groundwater Contamination Last Year, Texas Tribune, 9/8/2016

<https://www.texastribune.org/2016/09/08/texas-found-276-cases-groundwater-contamination-la/>

State regulators last year documented 276 new cases of groundwater contamination across Texas, a slight increase compared to 2014 but far fewer than in years past.

7 — What does Oklahoma know about quakes that Texas doesn't?, Houston Chronicle, 9/7/2016

<http://www.houstonchronicle.com/business/outside-the-boardroom/article/What-does-Oklahoma-know-that-Texas-doesn-t-9205754.php>

Oklahoma regulators immediately suspended activity at 37 wastewater disposal wells over the weekend after a 5.6 magnitude earthquake shook north-central Oklahoma. The quick action reveals confidence that the high-pressure injection of oil and gas wastewater into the ground can cause damaging earthquakes.

8 — Oklahoma Shakes, Texas Waits (editorial), Dallas Morning News, 9/7/2016

<http://www.dallasnews.com/opinion/editorials/20160907-oklahoma-shakes-texas-waits.ece>

If a 5.8-magnitude earthquake were to rock Texas, we hope our state regulators will be as responsive as Oklahoma and federal regulators have been.

9 — Texas energy regulators should halt injection well activity that causes earthquakes (opinion), Dallas Morning News, 9/6/2016

<http://www.dallasnews.com/opinion/latest-columns/20160907-texas-energy-regulators-should-halt-injection-well-activity-that-causes-earthquakes.ece>

Earlier this year, the U.S. Geological Survey raised its official earthquake risk level for Texas, a decision that would have been surprising until a few years ago.

10 — Plaintiffs claim executives willfully ignored problems that led to deadly 2013 blast at Williams Olefins plant in Geismar, Baton Rouge Advocate, 9/7/2016

http://www.theadvocate.com/baton_rouge/news/communities/westside/article_20a375e6-7546-11e6-bb58-73a6996cd6fd.html?sr_source=lift_amplify

Attorneys representing four of the men injured in the 2013 Geismar explosion alleged in court Wednesday that high-ranking officials with Williams Olefins, its parent companies and key management at the facility had for seven years ignored information that could have prevented the deadly fire.

11 — Here's how family-centered education can get asthma under control, Dallas Morning News, 9/6/2016

<http://www.dallasnews.com/lifestyles/health-and-fitness/health/20160906-here-s-how-family-centered-education-can-get-asthma-under-control.ece>

Malizy and Craig Scruggs thought their daughter Madison, 11, just suffered from allergies -- until January 2015, when an asthma attack sent her to the emergency room, followed by three days in the hospital.

12 — Energy execs, AGs huddled at resort ahead of litigation, Greenwire, 9/7/2016

<http://www.eenews.net/greenwire/2016/09/07/stories/1060042450>

Attorneys general from Republican-led states met with energy executives at the West Virginia's storied Greenbrier resort less than two weeks before they filed a lawsuit last year aimed at halting U.S. EPA's rule for curbing greenhouse gases from power plants.

13 — Obama on Climate Change: The Trends Are 'Terrifying', The New York Times, 9/8/2016

<http://www.nytimes.com/2016/09/08/us/politics/obama-climate-change.html? r=0>

Climate change, Mr. Obama often says, is the greatest long-term threat facing the world, as well as a danger already manifesting itself as droughts, storms, heat waves and flooding. More than health care, more than righting a sinking economic ship, more than the historic first of an African-American president, he believes that his efforts to slow the warming of the planet will be the most consequential legacy of his presidency.

14 — Showdown over oil pipeline becomes a national movement for Native Americans, New Orleans Times-Picayune, 9/6/2016

http://www.nola.com/environment/index.ssf/2016/09/showdown_over_oil_pipeline_bec.html#incart_river_index

The simmering showdown here between the Standing Rock Sioux Tribe and the company building the Dakota Access crude oil pipeline began as a legal battle. It has turned into a movement.

15 — Apache makes significant oil and gas discovery in West Texas, San Antonio Express-News, 9/7/2016

<http://www.expressnews.com/business/eagle-ford-energy/article/Apache-discovers-immense-oil-and-gas-field-9207444.php>

Apache Corp. on Wednesday announced what may be this decade's biggest oil and gas discovery in West Texas' Permian Basin, the nation's hottest oil field, though this find is an area where drillers never before have struck it rich.

16 — EPA Issues Updated CSAPR Rule in Push for Compliance with More Stringent 2008 Ozone NAAQS, New Orleans Times-Picayune, 9/6/2016

<http://www.powermag.com/epa-issues-updated-csapr-rule-pushing-for-compliance-with-more-stringent-2008-ozone-naaqs/>

Updates finalized by the Environmental Protection Agency to its Cross-State Air Pollution Rule (CSAPR) identify nitrogen oxide emission (NOx) reductions from power plants in 22 states to help states address transported pollution under the agency's more stringent 2008 ozone air quality standards.

17 — With Nod to Flint Crisis, Senate Weighs a \$9 Billion Water Infrastructure Bill, The New York Times, 9/7/2016

<http://www.nytimes.com/2016/09/08/us/politics/senate-water-bill.html>

With senators in a standoff over annual spending bills, the chamber is expected as soon as Wednesday to take up a bipartisan, \$9 billion measure that would authorize spending on the nation's water infrastructure.

Chemical plant in Live Oak left legacy of pollution

It says old chemical plant's solvents could taint aquifer

By Brendan Gibbons

September 7, 2016 Updated: September 7, 2016 8:38pm

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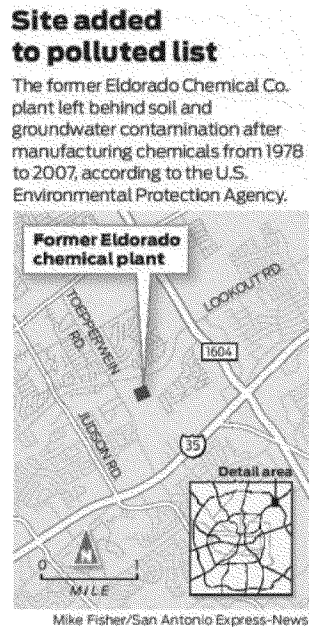


IMAGE 1 OF 6

Pollution from a former chemical plant in Live Oak has contaminated soil and shallow groundwater and could eventually make its way into the Edwards Aquifer, according to the U.S. Environmental Protection Agency.

However, no contamination from the site has yet been found in the Edwards, an EPA spokeswoman said. Live Oak officials said state testing has shown no cause for concern in nearby groundwater wells and that the closest well is at a higher elevation than the plant site, making contamination unlikely.

Citing soil and groundwater pollution left behind after nearly 30 years of industrial activity, the EPA announced Wednesday that the former Eldorado Chemical Co. site at 14350 Lookout Road has been added to the National Priorities List.

That list helps the EPA prioritize cleanup work and allocate funding for polluted sites across the country under the Superfund program. The current list includes 1,328 sites, 51 of them in Texas.

In Bexar County, the only other active site on the list is the Bandera Road groundwater plume in Leon Valley.

Eldorado was an active chemical manufacturer from 1978 to 2007, according to the EPA. Its business included making paint strippers and cleaners for the aerospace industry, according to a 2006 news release announcing the

Indianapolis-based company's sale of many of its assets to PPG Industries of Pittsburgh.

The Texas Commission on Environmental Quality and the EPA found that Eldorado's operations left contaminants in the soil and "alluvial ground water with the potential to release into the underlying Edwards Aquifer," according to the EPA.

The site does not lie on the recharge zone of the Edwards Aquifer, the primary water source for more than 2 million people in and around San Antonio.

The contaminants of concern that Eldorado left behind include the chemical solvents tetrachloroethene, trichloroethene, vinyl chloride and dichloroethene, according to the EPA.

The first three are known carcinogens, and all four are known to have adverse effects on various skin and organ systems in high enough doses, according to the Agency for Toxic Substances and Disease Registry.

The TCEQ referred the site to the EPA in 2009 because of the groundwater plume, use of groundwater locally for drinking water and "the presence of geologic conditions favorable for migration of contaminants," one EPA documents states.

Despite "limited cleanup activities" on the site from 1984 to 1986, "without identification and investigation of the source of ground water contamination and remediation of the contaminated ground water plume, public and private wells may be contaminated," the document states.

That has not been detected yet, though the EPA does not know the extent of shallow groundwater contamination below the site, according to EPA spokeswoman Jennah Durant. Finding that out will be part of the first phase of the cleanup process, known as the “remedial investigation,” she said in an email.

“This phase will also include sampling soil, water, sediment and air at the site for potential contamination,” she said.

Live Oak utility supervisor Jim Neeley said TCEQ testing from around the time of the plant’s closure showed contamination had not made it to the city’s water system. The closest well is roughly 2 miles from the site, he said.

“There’s no way it could even get into our groundwater there because it’s at a higher elevation,” Neeley said.

The San Antonio Water System’s closest distribution points are more than 2 miles away, SAWS spokeswoman Anne Hayden said in an email. TCEQ sampling results from SAWS sites are below detection limits, she said.

“Because SAWS has a large system with over seven sources of water, if there was a question concerning a well, we would be able to take it offline,” she said. “Of course, this would be at the direction of, or in consultation with, the state.”

Live Oak City Manager Scott Wayman said the city has asked the TCEQ and EPA to give an update on the site’s history and cleanup plans. The city can then pass the information along to nearby neighborhoods and homeowners associations, he said.

“With any luck ... we’ll have a better idea of what this cleanup is going to look like,” he said.

bgibbons@express-news.net

EPA adds Gold King Mine to list of Superfund site

Dan Elliott, The Associated Press 4:28 p.m. MDT September 7, 2016

Designation comes after months of negotiations with residents who were concerned declaring the site a Superfund would hurt tourism



(Photo: Daily Times file photo)

DENVER — A Colorado mine that spewed 3 million gallons of contaminated wastewater into rivers in three Western states was designated a Superfund site Wednesday, clearing the way for a multimillion-dollar federal cleanup.

The U.S. Environmental Protection Agency added the inactive Gold King Mine and 47 other nearby sites to the Superfund list. It also included nine other sites in eight states and Puerto Rico.

The Colorado Superfund designation is the beginning of a years-long effort to clean up the wreckage of a once-booming mining industry in the San Juan Mountains in the southwestern corner of the state. Abandoned mining sites send millions of gallons of acidic wastewater to creeks and rivers every year.

“What a great benchmark for this community and for our downstream partners, that we got listed,” said Bill Gardner, town administrator for Silverton, a mountain village not far from the Gold King.

A federal crew inadvertently triggered the Colorado spill during preliminary cleanup work at the gold mine on Aug. 5, 2015, sending out a mustard-yellow plume that tainted rivers in Colorado, New Mexico and Utah.

The EPA estimates that 880,000 pounds of metals flowed into the Animas River in Colorado, including arsenic, cadmium, copper, lead, mercury, nickel and zinc.

Utilities and farmers temporarily stopped drawing water from the rivers for drinking and irrigation. The EPA said water quality quickly returned to pre-spill levels.

The spill triggered a storm of criticism of the EPA and at least three lawsuits.

New Mexico has sued both the EPA and Colorado over the spill, while the Navajo Nation sued the federal government. Utah officials say they also plan to sue.



(Photo: Daily Times file photo)

Acting New Mexico Environment Secretary Butch Tongate said his state and other downstream jurisdictions were excluded from some of the Superfund planning. "We will persist in our fight to protect New Mexicans and to hold EPA fully accountable," he said in a written statement.

An investigation last year by the Interior Department, which is independent of the EPA, said the cleanup crew could have avoided the spill but rushed its work.

Interior officials said they found no evidence of criminal wrongdoing. A separate criminal investigation is still underway, along with an internal EPA inquiry.

Congress has conducted multiple hearings on the spill and is considering several bills to address hundreds of old, leaking mines nationwide.

The EPA said Wednesday it's too early to say how long the cleanup will take and what it will cost.

Authorities will first gather data including water and sediment samples and assessments of fish and wildlife habitat and other information. That process will probably end next year, said Rebecca Thomas, EPA's manager for the project, known as the Bonita Peak Mining District Superfund Site.

The EPA will then study different cleanup methods, choose a preferred option and ask for public comment. Work would then start on designing and implementing the cleanup.

Fixes could include water treatment plants for acidic waste draining from the site, plugging abandoned mines that are leaking and moving mine waste piles away from streams, Thomas said.

The Superfund listing marks a dramatic shift in public sentiment in Silverton and surrounding San Juan County, where many residents first feared the designation would stamp the area with a stigma and hurt its vital tourism industry. The EPA does not designate Superfund sites without local support.

"It has been a stunning turnaround," said Mark Esper, editor of the Silverton Standard newspaper. He said he wasn't sure of all the reasons for the reversal, but others have said residents recognized that a long-term solution was urgent and only the federal government could afford it.

Esper said Silverton could become a research center for cleaning up leaking mines across the nation. The Government Accountability Office estimates that at least 33,000 abandoned mines across the West and in Alaska are contaminating water or causing other environmental problems.

The cleanup might also improve the town's finances, which have been in decline since a mine and mill closed in 1991, Esper said.

"I think people are really optimistic in the future of Silverton. I don't think we see Superfund as being a hindrance to that," he said.

The other sites added to the Superfund list Wednesday:

- Argonaut Mine, Jackson, California.
- West Vermont drinking water contamination, Indianapolis, Indiana.
- SBA Shipyard, Jennings, Louisiana.
- Anaconda Aluminum Co. reduction plant, Columbia Falls, Montana.
- Wrapping Creek, Dutchess County, New York.
- Valley Pike volatile organic compounds, Riverside, Ohio.
- Groundwater contamination, Dorado, Puerto Rico.
- Eldorado Chemical Co., Live Oak, Texas.
- North 25th Street glass and zinc, Clarksburg, West Virginia.

Read or Share this story: <http://www.daily-times.com/story/news/local/four-corners/2016/09/07/epa-adds-gold-king-mine-list-superfund-site/89971430/>



Hundreds turn out to hear experts speak, take questions at earthquake forum

By Corey Jones Tulsa World | Posted: Thursday, September 8, 2016 12:00 am

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EPA Shuts Down Disposal Wells On Osage Tribal Land After Pawnee Earthquake

Posted: Sep 07, 2016 4:54 PM CDT Updated: Sep 07, 2016 4:54 PM CDT

BY DANA HERTNEKY, NEWS 9 [BIO](#) [EMAIL](#)



OSAGE COUNTY, Oklahoma - The federal government is now taking action in response to Saturday's big earthquake.

The EPA confirmed Wednesday that, acting on the authority of the Safe Drinking Water Act, it is mandating the shut in of 17 wastewater disposal wells on Osage Nation land.

Saturday's record breaking earthquake was centered just north of Pawnee and less than 30 miles away is the Osage Tribal Nation.

"Economically, it's going to be devastating," said Everett Waller, the Osage Nation Minerals Council chair.

The tribe holds the mineral rights to the land.

Still, Waller said they believe the quick action by the EPA was the right move.

"All these folks look at it like we have to do something ... the Osage feel like we have to give them the benefit of the doubt," he said.

In a statement, the EPA said they are committed to coordinating closely with officials from the Osage Nation.

But Waller said he's concerned they haven't heard any details from the agency including location and volume of the wells and the criteria for shutting them down.

"The communication just needed to be better, we've got to know more when it affects us directly," said Waller.

The 17 wells on Osage Nation land is in addition to 37 the state Corporation Commission mandated be shut in.

However, the disposal wells on tribal land are different because they don't bring wastewater in from out of state, Waller said.

The wastewater injected is solely from producing wells on tribal property.

Another member of the council said she doesn't believe it's feasible to truck the wastewater to another area. Cynthia Boone, of the Osage Nation Minerals Council, said the EPA mandate puts an undue burden on oil producers.

Waller said he hopes to get exact numbers from the EPA Wednesday night. Once they get them, he said the council will decide how to move forward and will try to work with the EPA the best they can.

"We have friends and family in Pawnee. This effected everyone emotionally more than you could ever think about," Waller said.

According to the EPA, some of those 17 wells have already shut down operations.

Storm preparedness stressed during summit of Army Corps, local officials

By Harvey Rice September 7, 2016 Updated: September 8, 2016 7:27am

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Photo: Michael Ciaglo, Houston Chronicle

IMAGE 1 OF 9

An Army Black Hawk helicopter, carrying U.S. Army Corps of Engineers officials, flies over Galveston while looking at FEMA Debris Sites, temporary housing and rehabilitation considerations while on a tour of... more

GALVESTON - The fragility of the narrow strips of sand that form Galveston Island and the Bolivar Peninsula came into sharp focus from the seat of a Blackhawk helicopter Wednesday.

As four Blackhawk helicopters crammed with federal and local officials flew down the Bolivar coastline, a voice came through the passenger's headphones: "This area was flattened during Hurricane Ike. None of these houses survived."

The helicopters on loan from the 1st Air Cavalry Division at Fort Hood took officials along the coast and inland to Houston and the Addicks and Barker flood-control reservoirs to give an aerial view of the areas most in need of protection if another Ike-size hurricane barrels into the Houston area.

Afterward, the U.S. Army Corps of Engineers invited local officials for the first time to participate in an annual hurricane preparedness exercise. The Corps is preparing to deal with the next hurricane even as it moves forward with a \$10 million study of a proposed hurricane storm-surge protection system that is expected to cost billions.

"Nothing is more important than readiness and being able to move to the sound of the guns, so to speak," Brig. Gen. David Hill told participants before they boarded the helicopters.

— — —

After flying over the most vulnerable areas along the coast, Hill said the flight gave him a perspective he couldn't get from a map. "You understand the vulnerabilities of the Bolivar Peninsula because you've flown over there and seen it," he said.

The flight made it clear to Lavern Young, the regional operations director for the Federal Emergency Management Agency, how easily a storm can cut off the coastal communities from the mainland. "What you see from the air is the access to the island," Young said.

In the end, the flight was not as important as pressing business.

Galveston Mayor Jim Yarbrough and Galveston Port Director Michael Mierzwa skipped the flight because of scheduled meetings and decided to attend the Corps' disaster planning meetings afterward.

Officials from FEMA, the Port of Galveston, the Harris County Flood Control District, the city of Houston, the Port of Houston, the Texas Department of Emergency Management and the U.S. Coast Guard met at the Corps' headquarters in Galveston for a session on lessons learned from Hurricane Ike.

— — —

Hurricane Ike struck Sept. 13, 2008, roaring up the Houston Ship Channel and wreaking nearly \$30 billion in damage.

Officials, including Yarbrough, are scheduled to reconvene Thursday for a four-hour table-top hurricane exercise to test preparedness.

Between 60 and 75 officials from the Houston-Galveston region will view a video laying out an Ike-like disaster and then begin reacting as if they were dealing with a real disaster, said Mike deMasi, emergency management chief for the Corps' Galveston District.

DeMasi said this is the first year the Corps is involving local agencies in its disaster response training, and it will likely do so every few years from now on.

The session will give local and federal officials a chance to meet so they will know who they are dealing with if disaster strikes, he said. "We're tying in the locals so we can put a face to the name," deMasi said.

Texas Found 276 Cases of Groundwater Contamination Last Year

by Jim Malewitz | Sept. 8, 2016 | 1 Comment

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Steve A. Johnson

REFERENCE MATERIAL

Joint Groundwater Monitoring and Contamination Report

PDF (7.2 MB) download

State regulators last year documented 276 new cases of groundwater contamination across Texas, a slight increase compared to 2014 but far fewer than in years past.

That's according to the annual "Joint Groundwater Monitoring and Contamination Report" published last week by the Texas Groundwater Protection Committee, a collection of nine state agencies and a groundwater district group.

The committee's report offers a comprehensive look at fouled groundwater in Texas, a state that taps the resource for roughly 60 percent of its water needs.

New pollution cases in 2015 eclipsed the tally from the previous year, when regulators recorded 272 instances. But the number sat far below any other year during past two decades.

The long-term trend reflects the "maturing" of Texas Commission on Environmental Quality regulatory programs, the report stated.



Last year's contamination came from many sources, including gas stations, laundry and dry cleaning services, chemical manufacturers and oil and gas drillers.

Though the types pollutants varied, gasoline, diesel and petroleum products were most common. “This reflects the large number of contamination sites (33.7 percent of the documented cases) reported by the TCEQ’s Petroleum Storage Tank Program,” the analysis said.

ADVERTISING

Among the report's other highlights:

- Twenty-three cases last year prompted the Texas Commission on Environmental Quality to notify private well owners that their drinking water might be contaminated. Seventeen triggered notifications to local officials.
- State regulators in 2015 were dealing with more than 3,400 total groundwater contamination cases in some capacity — mostly those first documented years ago. This number has plunged each year since 2000.
- More than one-third of the total contamination cases were still under investigation last year, and regulators had planned or implemented “corrective action” in nearly 900 others.
- Oil and gas activities accounted for 50 new cases of contamination — two more than in 2014, even as a drilling slowdown continued. Common pollutants in those instances included chloride, BTEX (an acronym that stands for benzene, toluene, ethylbenzene and xylenes) and mixtures of hydrocarbons found in crude oil. Overall, the Texas Railroad Commission’s oil and gas division is dealing with 570 contamination cases in 124 counties.

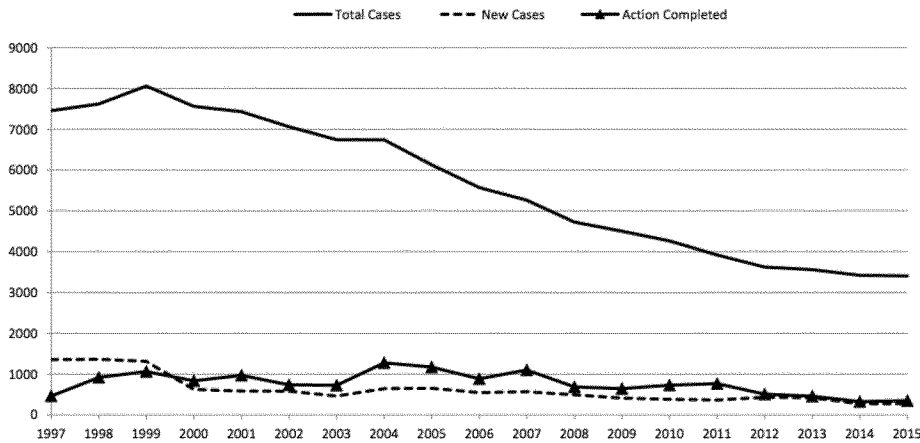
Gaye McElwain, a spokeswoman for the Railroad Commission, said the tally of contamination cases from oil and gas activities “is not analyzed for the purpose of evaluating trends, and each year is unique.”

Harris County led the state in ongoing oil and gas-related contamination cases (37) — those tracked by the Railroad Commission. Kleberg County was a close second (30), followed by Nueces and Brooks Counties (each with 21) and San Patricio (15), according to a map included in the report.

Harris County, home to the nation’s largest petrochemical complex, was also grappling with far more groundwater contamination cases reported to the TCEQ (671) than any other Texas county. Dallas County (296), Tarrant County (176), Bexar County and Travis County (54) rounded out the top five, according to the report.

Here is a look at Texas' documented contamination cases over nearly two decades:

Figure 2a. Case History of Groundwater Contamination: Total, New, and Completed Cases



Source: Joint Groundwater Monitoring and Contamination Report–2015

Read more about water contamination in Texas:

- Texas regulators have allowed energy companies in recent years to inject toxic materials into at least a “handful” of underground sources of drinking water, records show.
- Tens of thousands of Texans live in places where the drinking water contains toxic levels of arsenic — a known carcinogen — and the state isn’t doing enough to discourage them from consuming it, according to a report from an environmental group.
- The discovery of dangerous bacteria in the drinking water of two working-class communities along the Rio Grande set off alarms among state regulators and investigators. Since then, it appears that efforts to hold anyone responsible are sputtering to an inconclusive end.

What does Oklahoma know about quakes that Texas doesn't?

Neighboring state moves fast to suspend injection wells

By Chris Tomlinson

September 7, 2016 Updated: September 7, 2016 11:52am

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IMAGE 1 OF 7

Most recent quakes in Texas have caused property damage and some injuries. Once, an earthquake in Texas led to a man's death.

Keep clicking to find out the top 12 biggest earthquakes that hit Texas.

Source: ... [more](#)

Oklahoma regulators immediately suspended activity at 37 wastewater disposal wells over the weekend after a 5.6 magnitude earthquake shook north-central Oklahoma.

The quick action by the Oklahoma Corporation Commission reveals its confidence that the high-

pressure injection of oil and gas wastewater into the ground can cause damaging earthquakes.

While Saturday's quake has not been conclusively linked to wastewater injections, the commission demonstrated caution by suspending operations.

"All of our actions have been based on the link that researchers have drawn between the Arbuckle disposal well operations and earthquakes in Oklahoma," spokesman Matt Skinner said Saturday.

Texas regulators, meanwhile, are still trying to deny there's a link between the chemically saturated lubricant going into the ground and the sudden increase in the movement of subterranean rocks along fault lines.

"We cannot definitively say that there is or is not a direct causal relationship between disposal wells and earthquakes in Texas," Texas Railroad Commissioner Ryan Sitton wrote in an op-ed last week. The commission is studying the possible link, but Sitton says it's wrong to tie oil and gas drilling to seismic activity.

OUTSIDE THE BOARDROOM



What does Oklahoma know about quakes that Texas doesn't?



Electric, self-driving, flying taxis are the future



Income inequality is slowing the global economy

Are U.S. boards of directors 'male, stale and frail'?

Venezuela's shrinking oil exports and growing crisis

Why Texas and Oklahoma have chosen to name their oil and gas regulators with non-descriptive names will be the subject of a future column, but these two state agencies regulate the same companies doing the same activities along a common border. The three members on each commission are elected, thanks to generous campaign donations from the oil and gas industry.

So what do the Oklahomans know that the Texans don't?

First of all, in Oklahoma they've hired qualified seismologists, and commissioners respect academic researchers and nonpartisan federal regulators. In Texas, conservative politicians hired one rancher to study the seismology while commissioners reject any independent research that suggests a link between earthquakes and the petroleum industry.

Yet there is overwhelming evidence that the frequency of earthquakes in Texas has risen in tandem with the growing use of disposal wells, an activity spurred by hydraulic fracturing of oil and gas wells.

And here's the funny thing. When companies stop injecting frack fluid into wells, the earthquakes in that area stop, almost immediately. You don't need a Ph.D. to recognize that there must be a connection.

There also is an easy solution: Require oil companies to clean up their fluid and recycle it. Texas would save water and the earthquakes would stop. The only problem is that oil and gas companies don't want to spend the extra money, they'd rather allow the earthquakes to continue because it costs them nothing when grandmother's fine china falls off the walls.

Since I started writing about energy two years ago, I've been a staunch defender of fracking wells, but I've also recognized the connection between disposal wells and earthquakes. Sitton and the other members of the Texas Railroad Commission need to start emulating our neighbors to the north. Or else more temblors are on the way.

Editorials

Oklahoma shakes, Texas waits

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Employee Talia Pershall, 16, places bottles of syrup back on a shelf at White's Foodliner grocery store in Pawnee, Okla., after Saturday's 5.8-magnitude earthquake in north-central Oklahoma. (Dave Bitton/The News Press)
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By Dallas Morning News Editorial

Staff Writer

Published: 07 September 2016 04:13 PM

Updated: 07 September 2016 06:05 PM

If a 5.8-magnitude earthquake were to rock Texas, we hope our state regulators will be as responsive as Oklahoma and federal regulators have been.

Over the weekend, as a precaution, Oklahoma officials shut down 37 of the state's 3,200 active wastewater disposal wells — those within a 725-square-mile area of the epicenter, near Pawnee. On Tuesday, the Environmental Protection Agency said disposal wells within 211 square miles of Osage County, outside the state's jurisdiction, also would temporarily close.

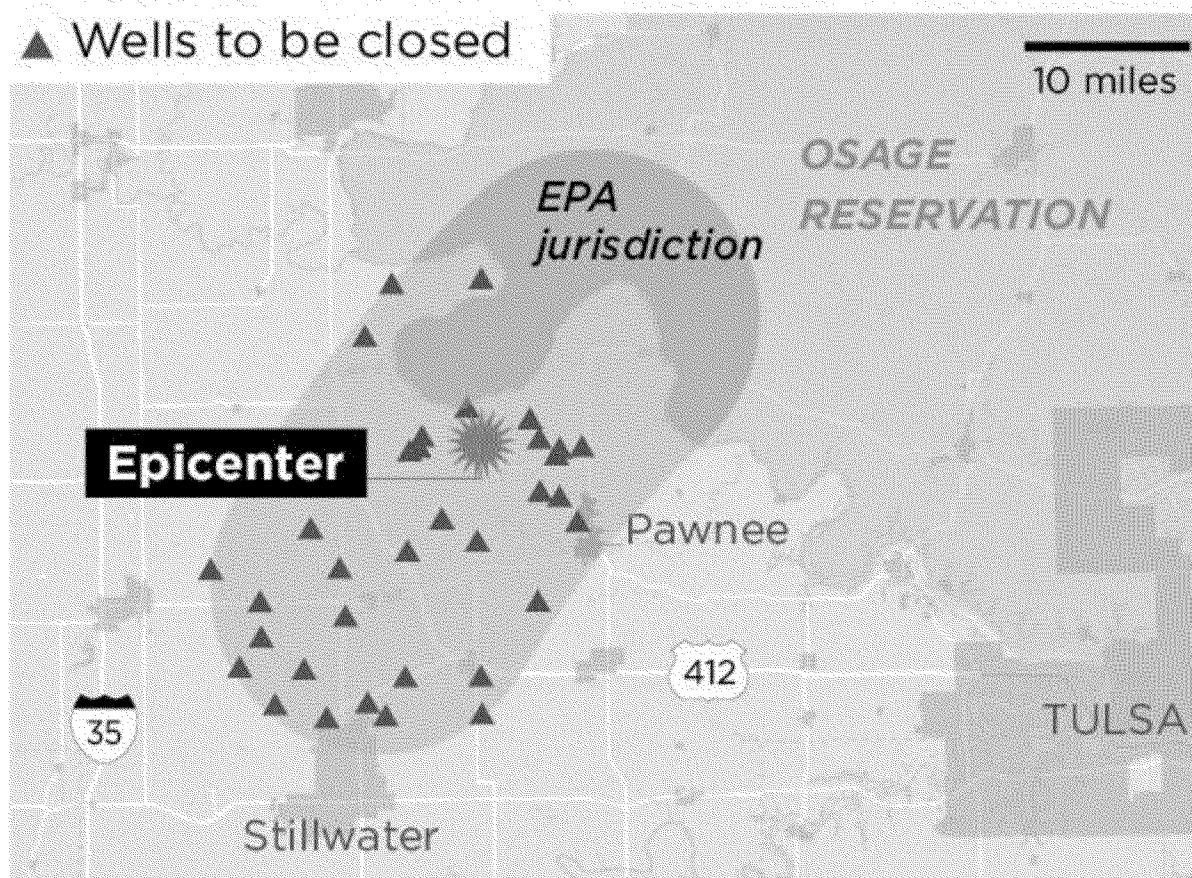
This represents a noticeable shift. Two years ago, Oklahoma regulators and Gov. Mary Fallin were earthquake deniers; now neither disputes myriad scientific evidence linking wastewater disposal wells to seismic tremors.

Oklahoma's action plan

State officials moved quickly to close wastewater injection disposal wells that may have caused a 5.8-magnitude seismic tremor that was felt across the Midwest and through much of Texas.



▲ Wells to be closed



SOURCE: State of Oklahoma

Staff Graphic

We wish we could say the same of our Texas Railroad Commission, which regulates the state's oil and gas industry. Our regulators say there isn't enough evidence to definitively say that injection

disposal activity causes tremors and that more study is needed before they can make sweeping policy changes.

However, geologists have known for decades that disposal wells can cause tremors. And to no one's surprise, the frequency and magnitude of tremors have picked up dramatically as more injection wells have been put into operation.

The odds of property-damaging seismic tremors occurring in North Texas now ranks with some parts of California and Oklahoma. And researchers estimate that about 87 percent of these quakes in Texas are likely man-made. Wastewater pumped into wells doubled between 2007 and 2014. During that same period, the state's average number of earthquakes rose from two per year to 12.

Just last month, the EPA took the unusual step of criticizing the Railroad Commission for failing to acknowledge the seismic threats from high-pressure wastewater disposal wells. In the past two years, SMU and the University of Texas have pointed out this probable connection in pioneering research, as have countless other researchers.

Right now, there is a lull in earthquakes in North Texas due to low energy prices and reduced drilling activity. The Railroad Commission has urged companies to reduce the pressure and volume used in the wells, even turned down a few wells and approved others with certain conditions.

However, other states have taken entirely different approaches in disposing of wastewater. Drillers in Pennsylvania, for example, recycle or haul away wastewater to injection disposal well sites in neighboring Ohio, whose geology is more conducive to injection disposal wells. Is industry looking hard enough at available alternatives?

This much we know: When injection wells are shut down or operate under less pressure, the earthquake problem seems to lessen. Other states accept that as a reason to get ahead of the problem. Why not Texas, too?

Texas energy regulators should halt injection well activity that causes earthquakes

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<p>Jessie Wardarski /Tulsa World via AP</p>

Joyce Cheatham looks up at the damage done to the building she owns after an early morning earthquake in Pawnee, Okla., on Saturday, Sept. 3, 2016. The United States Geological Survey said a 5.6 magnitude earthquake shook north-central Oklahoma, on the fringe of an area where regulators had stepped in to limit wastewater disposal. That temblor matches a November 2011 quake in the same region.

By Luke Metzger and Elizabeth Ridlington

Contributor

Published: 07 September 2016 04:31 PM

Updated: 07 September 2016 04:31 PM

Earlier this year, the U.S. Geological Survey raised its official earthquake risk level for Texas, a decision that would have been surprising until a few years ago.

In the last eight years, Texas has experienced more than 150 earthquakes. Startlingly, these earthquakes appear to be man-made, caused by injecting wastewater from oil and gas production into disposal wells. Numerous studies have found that pumping such huge volumes of wastewater into the ground can cause existing faults to move, triggering earthquakes.

Frequent earthquakes are a new problem in Texas, coinciding with the growth of fracking -- and massive volumes of fracking wastewater requiring disposal. Before 2008, Texas experienced relatively few earthquakes, and those quakes were spread across the state, such as a 1964 quake near the Texas-Louisiana border, quakes in West Texas in 1931 and 1969, and numerous small earthquakes over the decades in the Panhandle.

Since the fracking boom, the story has been very different. Researchers at the University of Texas have found that an average of 12 earthquakes of a magnitude 3.0 or higher now shake Texas every year. Recent earthquake activity is concentrated in North Texas, in the middle of the Barnett Shale, a hotspot for fracking and

wastewater disposal wells. Earthquakes were reported near the DFW International Airport beginning in 2008 -- the first reported earthquakes in the region since 1950 -- while Cleburne experienced 50 quakes in 2009 and 2010.

The act of drilling and fracturing a well in itself doesn't cause an earthquake. Earthquakes can occur when well operators attempt to dispose of the thousands of gallons of wastewater leftover as byproduct from oil and gas production. This water, which may contain fracking chemicals and naturally occurring salts and radioactivity from the earth, is too dirty to discharge to rivers or lakes. Instead, the easiest way to get rid of it is to inject it deep underground.

In the first few years of the fracking boom, from 2005 to 2011, the amount of wastewater injected into disposal wells in Texas increased 70-fold. Of the magnitude 3.0 and greater earthquakes Texas has experienced since 2008, many have occurred within one or two miles of high-volume disposal wells. This pattern of quakes near disposal wells has happened in other states where fracking has increased in recent years.

Oklahoma in 2014 experienced more earthquakes than California, some causing extensive damage to buildings. Peer-reviewed studies have linked the Oklahoma earthquakes to disposal wells. Just this weekend, Oklahoma regulators ordered 37 disposal wells shut down after a 5.6 magnitude quake -- equal to the strongest in the state's history -- rocked the state and could be felt as far as Dallas and

Chicago. Similarly, several Ohio towns have felt earthquakes that regulators have linked to wastewater disposal. When Ohio regulators closed one disposal well, the associated earthquakes stopped.

Though regulators in Oklahoma and Ohio have recognized that disposal wells can trigger earthquakes and have closed or limited their use, Texas public officials have been slower to act.

The Railroad Commission of Texas, which oversees fracking and disposal wells, has curtailed or ended wastewater injection at only a handful of sites and in general has refused to acknowledge the extensive evidence that high-pressure injection of wastewater into disposal wells can trigger earthquakes. For example, despite a peer-reviewed study that concluded that earthquakes in Reno and Azle in 2013 and 2014 were caused by fracking-related activity, the commission has not closed the disposal wells responsible for the quakes.

This month, the federal Environmental Protection Agency concluded that "there is a significant possibility that North Texas earthquake activity is associated with disposal wells" and called on the Railroad Commission to increase its oversight of wastewater disposal to protect the public from earthquakes and possible water contamination.

The Railroad Commission should improve earthquake monitoring and work with independent seismologists to analyze the source of even small earthquakes, which may indicate the potential for larger,

more damaging future quakes. In addition, injection rates in some of the most seismically active areas, such as beneath the Dallas-Fort Worth area, should be dramatically curtailed to levels that are unlikely to cause earthquakes.

The Commission has a choice: do its job and protect Texans from the impacts of fracking, or stand by as man-made earthquakes shake our state.

Luke Metzger is the director of environmental advocacy group Environment Texas. Twitter: @lukemetzger

Elizabeth Ridlington is a policy analyst with research and advocacy group Frontier Group. Twitter: @FrontierEliz

http://www.theadvocate.com/baton_rouge/news/communities/westside/article_20a375e6-7546-11e6-bb58-73a6996cd6fd.html



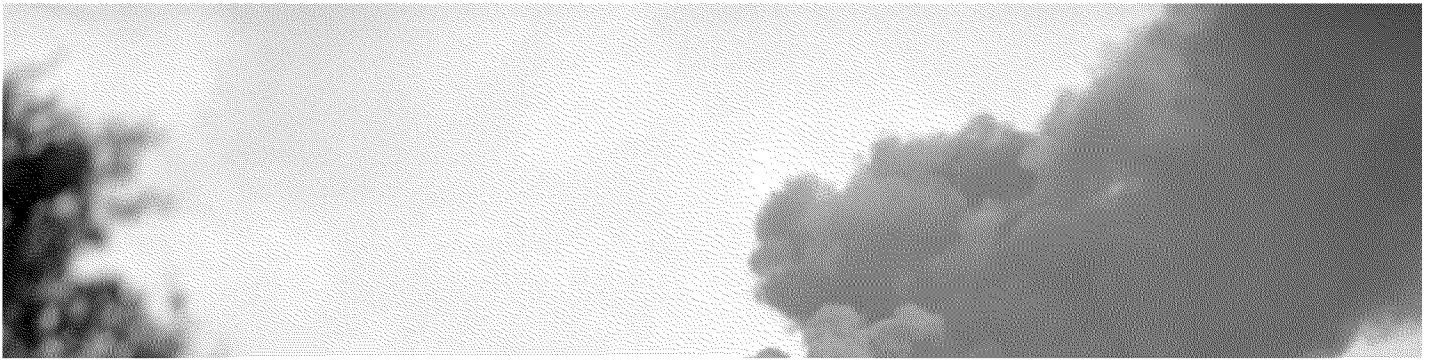
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New Roads mayor is target of grand jury looking into felony theft claim



Plaintiffs claim executives willfully ignored problems that led to deadly 2013 blast at Williams Olefins plant in Geismar

BY TERRY L. JONES | TJONES@THEADVOCATE.COM SEP 7, 2016 - 7:40 PM



Terry Jones

PLAQUEMINE—Attorneys representing four of the men injured in the 2013 Geismar explosion alleged in court Wednesday that high-ranking officials with Williams Olefins, its parent companies and key management at the facility had for seven years ignored information that could have prevented the deadly fire.

Those attorneys also accused the plant's parent company of playing "a shell game" in attempt to shift blame for the explosion that killed two people and injured 114 workers.

RELATED

Final draft report on deadly Williams Olefins blast in Geismar could be ready by early 2016

"This is not hindsight. These individuals knew from the beginning—and the fix was easy," attorney Kurt Arnold told jurors during opening statements for his clients' lawsuit against various corporate entities tied to the Tulsa, Oklahoma-based Williams and three key management officials at the plant.

"This isn't someone driving down the road who looked around and got distracted," Arnold argued in state district court in Plaquemine. "This is someone who knew they had to drive 35 miles and left with only five gallons of gas."

In their rebuttal, defense attorneys asserted their clients would never intentionally do anything that could kill or seriously injure their employees.

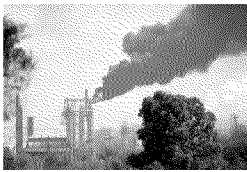
In a prepared statement released Wednesday by Williams Olefins, spokesman Keith Isbell added, "The theory that Williams Olefins intended this accident to occur defies common sense. The facts show the incident was caused by an unfortunate alignment of distinct factors that had never occurred in the history of the facility."

Williams Olefins attorney Jim Dore even admitted in court the limited liability company which oversees the day-to-day operation of the Geismar plant has accepted responsibility for the explosion but said it was caused by negligence in preventive maintenance, not the intentional disregard the plaintiffs are alleging.

"They did not know, and that's what this is about," Dore told the jury.

The Williams Olefins' plant straddles the Ascension-Iberville line, which is why the incident has spawned various lawsuits in both parishes.

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Judge in Iberville clears way for ~~first~~ civil jury trial on 2013 Williams explosion

In the Iberville lawsuit, plaintiffs Eduardo Elizondo, Michael Dantone, Kris Devall and Shawn Thomas contend that Williams, key management figures, and others had known for years of a critical safety defect in the plant's operations.

In addition to various corporate entities tied to Williams, Geismar plant officials Erick Comeaux, Parker Tucker and plant supervisor Larry Bayer, the plant supervisor, are named defendants.

Arnold claimed the defendants knew that one of two reboilers used in the refinery process was isolated from pressure relief—which meant there was a risk of over-pressurization and explosion. Williams knew about this problem for several years, the attorney alleged, they understood the risk, and yet did nothing to fix the issue, which he said would have only taken "five minutes and \$5 dollars."

"All they had to do what go in and place a car seal on the reboiler valves," he said.

Arnold promised to introduce inter-office documents and emails during the trial, which is expected to last two weeks, showing how key management figures with Williams and Williams Olefins ignored warnings from at least two outside agencies highlighting the dangers

surrounding the reboilers in separate safety reports issued between 2006 and 2010.

Arnold also argued that blame for the explosion shouldn't be placed on Williams Olefins since nearly every decision regarding the plant's day-to-day operation must first be approved by administrative officials at its corporate headquarters in Tulsa.

"Williams Company Inc. is saying, 'It's not me. That's down at the plant.' But the safety chain for the plant doesn't go through plant management, it goes to Tulsa," Arnold said.

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Williams explores sale of its Geismar olefins plant

Jim Reed, the attorney representing two of the parent companies named in the lawsuit, in his opening remarks used Arnold's "shell game" analogy by reminding jurors that Williams Olefins' had already accepted responsibility for the explosion. "If that's a corporate shell game, we are the worst players," Reed said.

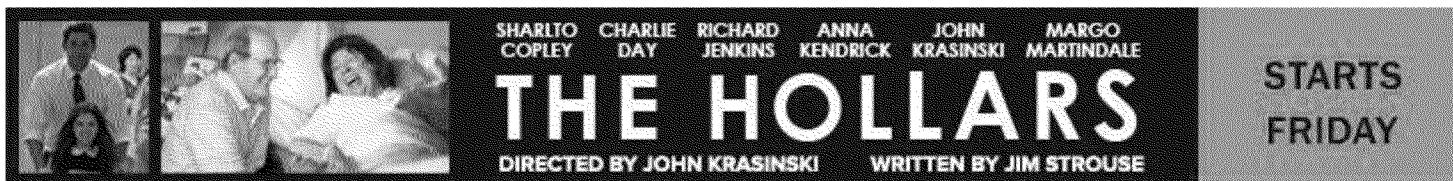
Reed said Williams corporate structure is not uncommon and ensures efficiency when handling managerial matters at the hundreds of subsidiaries under the company's umbrella. But Reed noted that all day-to-day decisions for its various operations are made by onsite management staff, not the company's corporate leaders.

"(The plaintiffs) are not satisfied with the company that has taken liability for this so they just started suing people and went on up to the top," Reed told the jury. "What you have here is a desperate attempt to find someone else to blame. It's not a shell game, it's a blame game."

Defense attorney Mike Walsh, who represents the three named officials, said those men would never intentionally overlook safety measures at the facility since they too could be hurt while working there.

"Everybody wants to go home at night. Everybody wants to be safe," Walsh said. "My guys are good people."

The trial is expected to resume at 8:30 a.m. Thursday with plaintiffs calling their first witness in the case.



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Health

Here's how family-centered education can get asthma under control

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By MARY JACOBS

Special Contributor

Published: 06 September 2016 10:34 AM

Updated: 06 September 2016 03:46 PM

Malizy and Craig Scruggs thought their daughter Madison, 11, just suffered from allergies - - until January 2015, when an asthma attack sent her to the emergency room, followed by three days in the hospital.

"It was a scary time," said Malizy Scruggs. "That's when we began to take her asthma seriously."

This month, many families will find themselves in the same frightening situation. Asthma, which affects more than 6 million children in the U.S., is the third leading cause of hospitalizations among children, according to the Centers for Disease Control and Prevention. And September is a particularly bad month, because kids are back in school, where they're exposed to cold viruses, and ragweed pollen levels tend to be high.

Doctors say many ER visits could be prevented if patients adhered to their treatments. However, many don't. According to one recent survey, only half of parents of children with asthma fully understand the use of their children's medications. Almost a third of kids who were prescribed inhaled corticosteroids weren't taking them as directed.

"Of all the chronic diseases, asthma has the poorest adherence rates," said Dr. Randall Brown, pulmonologist and director of asthma programs at the University of Michigan's School of Public Health. "Asthma is as much a disease of communication as it is of inflammation."

To help change that, several hospitals in the Dallas area offer educational programs for children with asthma and their

families. One of the most comprehensive, the Asthma Management Program of the Children's Health System, gives families one-on-one consultations with a registered nurse, home visits from a respiratory therapist and biweekly phone support. Started in 2001, it's one of only four in the nation certified by the Joint Commission for Pediatric Asthma Disease Management.

"We visit you at home, we ask you to pull out your medicines, and we go over how to use them," said Pamela Rogers, manager of the program. "We help you look for triggers in your home that could be making the asthma worse."

Controllable disease

Asthma can't be cured, but it can almost always be controlled in kids, says Dr. Rebecca Gruchalla, professor of internal medicine and pediatrics at UT Southwestern Medical Center. "Most children respond very well to treatment and can lead normal lives - - if they're compliant with treatment," she said.

So why don't patients comply? Many children and their parents don't know how to take the inhaled medications correctly. "You'd be surprised how many doctors' offices just say, 'Here's your prescription,' but don't educate patients on how to use them," said Denise Rebel, Pulmonary

Lab and Asthma COPD Clinic coordinator at Texas Health Dallas.

While parents know to reach for quick-acting rescue inhalers when a child starts wheezing, many don't understand the need for controller medications - - typically, inhaled corticosteroids - - that must be taken daily, even when symptoms aren't evident, either year-round or during allergy season. And many don't like the idea of giving their children steroids, fearing they will stunt the child's growth.

Studies do show that steroids have an effect on growth, although it's slight. However, if a child goes to the ER, he or she will likely end up taking even more steroids, according to Dr. Mark W. Millard, medical director of the Martha Foster Lung Center at Baylor University Medical Center.

"One dose of prednisone by mouth in the ER could be equivalent to two or three years of daily, low-dose inhaled steroids," he said.

Some families don't realize what's triggering asthma. Changes in the weather, or seemingly benign household items - - like scented candles or cleaning products - - can exacerbate asthma.

Finally, asthma is insidious. Patients get accustomed to a low level of wheezing and don't notice when it worsens

gradually.

"The problem is, the best time to treat an asthma attack is three days before it happens," says Dr. Gary Gross, an allergist-immunologist on the medical staff at Texas Health Dallas.

And that takes the kind of intense support and coaching that the Children's program offers, Rogers says. It's care that most physicians don't have time to provide. Without it, poor compliance is likely, and problems, like asthma triggers in the home, go undetected.

"Doctors love this program," she said. "We can tell them what they can't see in the home."



Road to recovery

The Scruggs family enrolled in the Children's program soon after Madison was discharged from the hospital. Working with a nurse, they formulated an asthma action plan and learned how to track her symptoms in a diary.

A visit with a respiratory therapist in their home was eye-opening. Madison wasn't using her inhaler properly, they learned, so the medicine wasn't getting into her lungs. The therapist coached Madison on how to use the inhaler, and explained that she needs to keep a rescue inhaler handy at all times.

"Now there's one in every gym bag she has," said Craig Scruggs.

The respiratory therapist also noticed that Madison was playing outside, and then coming indoors and lying on her bed to relax, tracking pollen with her. Now, Madison never hits the bed until after she showers and changes her clothes.

"We didn't understand that the allergies were causing Madison's asthma," Craig Scruggs said. "The respiratory therapist helped us figure out what her triggers were." An allergy test revealed that Madison is allergic to cats, dogs, horses and Kentucky bluegrass.

Biweekly follow-up calls helped answer questions and tackle roadblocks. When Malizy Scruggs worried about keeping Madison's asthma under control at school, staff coached her on how to communicate with the school nurse.

"They gave me the confidence to be an advocate for Madison," she said.

While they made many changes, Madison's parents didn't need to take some drastic measures they expected, like tearing out their carpets or finding a new home for their dog, Beethoven. With help from Children's, the family devised a plan: With regular vacuuming, the carpets are fine.

Beethoven has to stay out of Madison's room, but with weekly baths, the pooch can stay.

That's a key goal of the program, staff members say: keeping kids' lives as normal as possible while keeping them healthy.

"We tell families that it's a partnership," said Sharon Lemley, a registered nurse and care coordinator in the Children's program. "We're working together and we're walking this walk together."

Today, Madison is feeling better and playing volleyball and soccer. In past years, she missed as many as 17 school days a year; in 2015-16, after finishing the Children's program, she earned an award for perfect attendance.

"She had told me, 'Mommy, I want to get perfect attendance,' and she did, because this program gave us the tools so that we could help her," said Malizy Scruggs. "Going from being helpless to being empowered. It's a no-brainer."

How to get help

Children's Health Asthma Management Program is open to all children under 18 diagnosed with asthma living in Dallas, Tarrant, Ellis, Collin, Kaufman, Rockwall and Denton counties. The program is free and includes education calls with a registered nurse and a home visit and assessment by a

respiratory therapist. The program's social worker can help find assistance for those unable to pay for medication or other asthma-related needs. Call 214-456-5864 (LUNG).

Texas Health Presbyterian Hospital Dallas' Asthma Management Program is open to children as well as adults and provides one-on-one education and training. The outpatient program's educational piece is free, but some fees may be required, depending on patient needs. Weekend appointments are available. Call 214-345-6367.

Texas Health Harris Methodist Hospital Hurst-Euless-Bedford also offers a program for children as well as adults. Call 817-848-4296.

Daylor University Medical Center's Martha Foster Lung Care

 THE LEADER IN ENERGY & ENVIRONMENTAL POLICY NEWS

CLEAN POWER PLAN:

Energy execs, AGs huddled at resort ahead of litigation

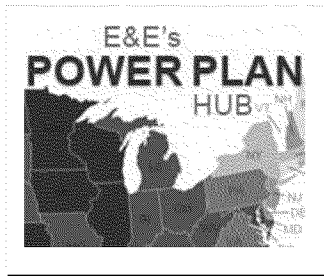
Hannah Hess, E&E reporter

Published: Wednesday, September 7, 2016

Attorneys general from Republican-led states met with energy executives at the West Virginia's storied Greenbrier resort less than two weeks before they filed a lawsuit last year aimed at halting U.S. EPA's rule for curbing greenhouse gases from power plants.

The closed-door meetings took place last August at a four-day summit hosted by the Republican Attorneys General Association (RAGA), according to an [agenda](#) obtained by a watchdog group using public records requests.

Representatives of Murray Energy Corp., American Fuel & Petrochemical Manufacturers and Southern Co. attended private meetings of up to 40 minutes.



Documents obtained by the Center for Media and Democracy say corporations could pay a premium-rate RAGA membership fee of up to \$125,000 for the privilege of holding private briefings with attorneys general and their staff, as well as attending the annual meeting.

"State attorneys general are supposed to enforce the law and serve the public interest, but instead these Republican officials have hung a 'For Sale' sign on their door, and the fossil fuel industry proved to be the highest bidder," Nick Surgey, research director for the nonprofit, said in a statement.

The summit also provided an opportunity for attorneys general to solicit campaign contributions from attendees, according to a separate fundraising [schedule](#). Attendees could discuss their priorities during private meetings, informal conversations and leisure activities — kayaking, a five-hour golf game and a shooting tournament sponsored by the National Rifle Association.

A Murray Energy attorney and the head of the American Coalition for Clean Coal Electricity joined three Republican attorneys general from states leading the fight against the Clean Power Plan — Patrick Morrissey of West Virginia, Scott Pruitt of Oklahoma and Ken Paxton of Texas — for an hourlong panel during the conference titled "The Dangerous Consequences of the Clean Power Plan & Other EPA Rules."

Murray Energy spokesman Gary Broadbent said the company is "proud" to support RAGA "in working to combat the numerous illegal and destructive actions of the Obama administration." The company's arguments against the rule, stayed by Supreme Court in February, are well-documented in public comments and court filings, he said.

Broadbent said the state attorneys general who have lined up to fight the rules in court "determined that this [plan] is illegal and acted on their own."

Opponents of the rule argue that virtually all Democrats support regulations that threaten coal and other fossil fuels, so they have no choice but to support politicians who are trying to protect the industry.

RAGA did not immediately respond to a request for comment from *Greenwire*.

Scott Will, executive director of RAGA, told Bloomberg Politics that there is no link between contributors and litigation, only "between executive overreach and litigation."

An attendee [list](#) for the 2015 summer conference also included representatives from Koch Industries Inc., the American Chemistry Council, America's Natural Gas Alliance, Devon Energy Corp., the Edison Electric Institute, Georgia Power Co., the National Mining Association, NextEra Energy Inc., the Nuclear Energy Institute and Peabody Energy Corp.

RAGA has received since 2015 at least \$100,000 from Exxon Mobil Corp., \$350,000 from Koch Industries, \$85,000 from Southern, \$378,250 from the American Coalition for Clean Coal Electricity and \$250,000 from

"It's no coincidence that GOP attorneys general have mounted an aggressive fight alongside the fossil fuel industry to block the Clean Power Plan — that appears to be exactly what the industry paid for," Surgey said.

"Together, these documents reveal a sustained pattern of collusion between the fossil fuel industry and the Republican attorneys general on climate change obstructionism," he added.

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The Obama PART 1: The Regulator in Chief **MIDWAY ATOLL** PART 2: The Threat to the Planet **Seventy-four years ago, a naval battle off this remote spit of** PART 3: The "Good War" **and in the middle of the Pacific Ocean changed the course of World War II. Last** PART 4: The Health Care Revolution **week, President Obama flew here to swim with Hawaiian monk seals and draw** PART 5: Breaking the World War II **attention to a quieter war — one he has waged against rising seas, freakish storms,** PART 6: A Changed Man **deadly droughts and other symptoms of a planet choking on its own fumes.**

Bombs may not be falling. The sound of gunfire does not concentrate the mind. What Mr. Obama has seen instead are the charts and graphs of a warming planet. "And they're terrifying," he said in a recent interview in Honolulu.

Obama "What makes climate change difficult is that it is not an instantaneous catastrophic event," he said. "It's a slow-moving issue that, on a day-to-day basis, people don't experience and don't see."

on Climate Change: Climate change, Mr. Obama often says, is the greatest long-term threat facing the world, as well as a danger already manifesting itself as droughts, storms, heat waves and flooding. More than health care, more than righting a sinking economic ship, more than the historic first of an African-American president, he believes that his efforts to slow the warming of the planet will be the most consequential legacy of his presidency.

The Trends Are Terrifying During his seven and a half years in office, Mr. Obama said, a majority of Americans have come to believe "that climate change is real, that it's important and we should do something about it." He enacted rules to cut planet-heating emissions across much of the United States economy, from cars to coal plants. He was a central broker of the Paris climate agreement, the first accord committing nearly every country to reducing greenhouse gas emissions.

By JULIE HIRSCHFELD DAVIS, MARK LAMBERT and CORAL DAVENPORT **8, 2016** But while climate change has played to Mr. Obama's highest ideals — critics would call them messianic impulses — it has also exposed his weaknesses, namely an

inability to forge consensus, even within his own party, on a problem that demands a bipartisan response.

He acknowledged that his rallying cry to save the planet had not galvanized Americans. He has been harshly criticized for policies that objectors see as abuses of executive power and far too burdensome for the economy.

That has made Mr. Obama's record on climate curiously contradictory, marked by historic achievements abroad and frustrating setbacks at home. The threat of global warming inspired Mr. Obama to conduct some of the most masterful diplomacy of his presidency, which has bound the United States into a web of agreements and obligations overseas. Yet his determination to act alone inflamed his opponents, helped polarize the debate on climate change and will carry a significant economic cost.

Mr. Obama chalks up the contradictions both to politics and to the amorphous, unseen nature of the threat.

"It feels like, 'Meh, we can put this off a little bit,'" he said.

The president spoke in a cottage on a Marine base that overlooks Kaneohe Bay in his home state, Hawaii. Angry waves crashed on the rocks below the house, the sea churned by one of two hurricanes spinning close to the island. Hawaii, as one of Mr. Obama's climate advisers pointed out, normally does not get back-to-back hurricanes.

"When you see severe environmental strains of one sort or another on cultures, on civilizations, on nations, the byproducts of that are unpredictable and can be very dangerous," Mr. Obama said. "If the current projections, the current trend lines on a warming planet continue, it is certainly going to be enormously disruptive worldwide."

'All Bets Are Off'

Eight years ago, when Mr. Obama ran for president against Senator John McCain of Arizona, both men had essentially the same position on global warming: It is caused by humans, and Congress should enact legislation to cap greenhouse gas emissions and force polluters to buy and trade permits that would slowly lower overall emissions of climate-warming gases.

But in the summer of 2010, a cap-and-trade bill Mr. Obama had tried to push through Congress failed, blocked by senators from both parties.

“One would have hoped for transformational leadership, in the way J.F.K. would have done it,” said Hans Joachim Schellnhuber, the director of the Potsdam Institute for Climate Impact Research in Germany.

That domestic defeat was compounded by failure on the world stage after efforts to enact a highly anticipated United Nations climate change treaty in Copenhagen fell apart in 2009.

By the fall of 2010, Tea Party “super PACs” supported by the billionaire brothers Charles G. and David H. Koch had seized on cap-and-trade as a political weapon, with attacks that helped Republicans take control of the House.

Polls showed that few Americans thought of climate change as a high public policy priority, and the percentage of voters who accepted the reality that it was caused by humans had tumbled.

“There is the notion that there’s something I might have done that would prevent Republicans to deny climate change,” Mr. Obama said. “I guess hypothetically, maybe there was some trick up my sleeve that would have cast a spell on the Republican caucus and changed their minds.”

In fact, some Republicans, including Senator Lamar Alexander of Tennessee, were willing to go forward with a more limited climate bill that would have restricted emissions only from power plants. But the president’s own party would not unify even around that, with Democrats from industrial and coal states digging in against him. Ironically, Mr. Obama would end up with regulations that narrowly target power plant emissions.

“The White House wanted 60 votes on climate, and they weren’t interested in Republican votes,” Mr. Alexander said in an interview. “Now it’s back to power plant only. The lesson here is that if people who want a result would be a little bit more flexible, they might actually get one.”

In defeat, the president appeared cowed. Campaigning against Mitt Romney in 2012, he barely mentioned climate change.

But soon after Election Day, Mr. Obama interrupted a broad discussion with historians about the country’s challenges with a surprising assertion. Douglas Brinkley, a historian who attended the session, recalled, “Out of nowhere, he said, ‘If we don’t do anything on the climate issue, all bets are off.’”

Mr. Obama, who understood that a legislative push would be fruitless, told his advisers to figure out how to enact deep emissions cuts without Congress. They found a way through the Clean Air Act of 1970, which gives the Environmental Protection Agency the authority to issue regulations on dangerous pollutants.

In 2014, Mr. Obama unveiled the first draft of what would become the Clean Power Plan: a set of Clean Air Act rules that could lead to the closing of hundreds of coal-fired power plants.

The move enraged critics, including Senator Mitch McConnell of Kentucky, the majority leader, whose state relies heavily on coal.

Another critic, Laurence H. Tribe, likened the rules to “burning the Constitution” — a charge that might have stung, since Mr. Tribe, a liberal constitutional scholar, was a mentor to Mr. Obama at Harvard Law School.

Mr. Obama dismissed the criticism as the voice of Mr. Tribe’s client, Peabody Energy, the nation’s largest coal company, which filed for bankruptcy protection in April. “You know, I love Larry,” he said, but “when it comes to energy issues, Larry has a history of representing fossil fuel industries in big litigation cases.”

The legality of the climate rules is likely to be decided by the Supreme Court, the composition of which depends on the outcome of the presidential election. Deep-pocketed corporations will not give up the legal fight easily, even after a

Supreme Court decision, and Republicans in Congress will continue their legislative attacks. If the rules survive, they will almost certainly cost the coal industry thousands of jobs.

“What we owe the remaining people who are making a living mining coal is to be honest with them,” Mr. Obama said, “and to say that, look, the economy is shifting. How we use energy is shifting. That’s going to be true here, but it’s also going to be true internationally.”

Scrutinizing the Science

Few people would have described Mr. Obama as a climate evangelist when he ran for the White House in 2008. While he invoked the rising seas and heating planet to thrill his young supporters, he did not have the long record of climate activism of Al Gore or John Kerry, who is now his secretary of state. Like many things with Mr. Obama, his evolution on climate was essentially an intellectual journey.

Mr. Obama immersed himself in the scientific literature, which left little doubt that the planet was warming at an accelerating rate. “My top science adviser, John Holdren, periodically will issue some chart or report or graph in the morning meetings,” he said, “and they’re terrifying.”

The morning Mr. Obama unveiled the final version of the Clean Power Plan last year, he summoned his senior climate adviser, Brian Deese, to the Oval Office. Mr. Deese expected that the president would hand him some last-minute changes to his speech. Instead, he brought up an article in the journal *Science* on melting permafrost.

The research not only documented faster increases in temperatures, but also drew direct links between fossil fuel emissions and extreme weather.

Mr. Obama scrutinized reports like the 2014 National Climate Assessment, which tied climate change to events like flooding in Miami and longer, hotter heat waves in the Southwest.

“More and more, there are events that are happening that are astoundingly unusual, that knock your socks off, like the flooding in Louisiana,” said Michael Oppenheimer, a professor of geosciences and international affairs at Princeton University. “Those are the kinds of events where it’s becoming possible to draw attribution.”

Benjamin J. Rhodes, one of the president’s closest aides, recalled Mr. Obama talking about “Collapse: How Societies Choose to Fail or Succeed,” Jared Diamond’s 2005 best seller, which explored the environmental changes that wiped out ancient societies like Easter Island and discussed how modern equivalents like climate change and overpopulation could yield the same destruction.

The president’s Pacific roots also came into play. In Honolulu last week, he told a meeting of Pacific Island leaders that few people understood the stakes of climate change better than residents of their part of the planet. Crops are withering in the Marshall Islands, he noted. Kiribati is buying property in another country for the day that its own land vanishes beneath the waves. And villagers in Fiji have been forced from their homes by high seas.

Shifting monsoon patterns in South Asia could affect a billion people who depend on low-lying agriculture, Mr. Obama said in his interview.

“If you have even a portion of those billion people displaced,” he said, “you now have the sorts of refugee crises and potential conflicts that we haven’t seen in our lifetimes.”

“That,” he added, “promises to make life a lot more difficult for our children and grandchildren.”

Joining Forces With China

Mr. Obama and Hillary Clinton never seem to tire of telling the story of Copenhagen: In December 2009, with the climate conference on the verge of failure, the two learned of a meeting of the leaders of Brazil, China, India and South Africa, from which they had been pointedly excluded. Elbowing their way past a Chinese security guard, they crashed the meeting, and over the course of 90 minutes of tense negotiations with the abashed leaders, they extracted an agreement to set goals for lowering emissions.

The Europeans, who had been cut out of the talks, derided the deal as toothless, but Mr. Obama learned from the experience. A global climate accord could not simply be a compact among developed economies, he said. It had to include the major developing economies, even if they resented being held to standards that had never applied to the club of wealthy nations. And any agreement had to be led by the two largest emitters, the United States and China.

Mr. Obama set about persuading President Xi Jinping of China to join the United States in setting ambitious reduction targets for carbon emissions. Tensions were already high over China's hacking of American companies, and the United States was balking at China's slow-motion colonization of the South China Sea. A casual, get-acquainted summit meeting between Mr. Obama and Mr. Xi at the Sunnylands estate in California in June 2013 had failed to break the ice.

But the meeting did produce one headline: an agreement to explore ways to reduce emissions of hydrofluorocarbons, known as HFCs, potent planet-warming chemicals found in refrigerants. In hindsight, it would prove significant. The final international accord on the chemicals is expected to be ratified next month in Rwanda.

"It was a place Obama and Xi found some common ground," said John D. Podesta, a chief of staff to President Bill Clinton whom Mr. Obama recruited to lead his climate efforts in his second term. (Mr. Podesta is now the chairman of Mrs. Clinton's presidential campaign.)

Mr. Podesta and Todd Stern, the State Department's climate envoy, began arduous negotiations with China. They were backed by Mr. Kerry and Mr. Obama, who sent Mr. Xi a letter with a proposal in which the United States would pledge to increase its target for reducing carbon emissions by 2025 if the Chinese pledged to cap and then gradually reduce their emissions.

China had historically resisted such agreements, but the air pollution there had become so bad, Mr. Obama noted, that the most-visited Twitter page in China was the daily air-quality monitor maintained by the United States Embassy in Beijing.

"One of the reasons I think that China was prepared to go further than it had been prepared to go previously," Mr. Obama said, "is that their overriding concern tends to be political stability. Interestingly, one of their greatest political vulnerabilities is the environment. People who go to Beijing know that it can be hard to breathe."

The Chinese were also swayed by Mr. Obama's announcement in 2014 of his regulations to reduce emissions from coal-fired power plants, which gave Mr. Kerry and his team of climate diplomats the leverage they needed in months of meetings with China. On Nov. 11, 2014, after a quiet stroll across a bridge in the Chinese leadership compound beside the Forbidden City, Mr. Xi and Mr. Obama sealed their agreement.

"By locking in China," Mr. Obama said, "it now allowed me to go to India and South Africa and Brazil and others and say to them: 'Look, we don't expect countries with big poverty rates and relatively low per-capita carbon emissions to do exactly the same thing that the United States or Germany or other advanced countries are doing. But you've got to do something.'"

A little more than a year later, in Paris, the United States led negotiations among 195 countries that resulted in the most significant climate change agreement in history. And this past weekend in Hangzhou, China, Mr. Obama and Mr. Xi formally committed their two nations to the Paris accord. For Mr. Obama, it was not just redemption for Copenhagen, but a vindication of his theory of the United States' role in the world.

“There are certain things that the United States can do by itself,” Mr. Obama said. “But if we’re going to actually solve a problem, then our most important role is as a leader, vision setter and convener.”

An Ambitious, Divisive Legacy

To his successor, Mr. Obama leaves an ambitious and divisive legacy: a raft of new emissions rules that promise to transform the United States economy but are likely to draw continuing fire from Republicans, and an aggressive — some say unrealistic — pledge made in Paris to reduce greenhouse gas emissions 80 percent from 2005 levels by 2050.

All of this, he acknowledges, could be undone at the ballot box. “I think it’s fair to say that if Donald Trump is elected, for example, you have a pretty big shift now with how the E.P.A. operates,” he said.

Mrs. Clinton has embraced Mr. Obama’s go-it-alone approach, promising to meet and in some cases exceed his goals without trying to pass cap-and-trade legislation. She is proposing marquee projects like installing 500 million solar panels by 2020 and giving states and cities \$60 billion to invest in energy-efficient public transportation and buildings.

“It will be first-order business,” Mr. Podesta said.

But Mrs. Clinton will face the same partisan fire Mr. Obama has. He noted that, like him, Mrs. Clinton had been pilloried in coal country for acknowledging that coal mining would have a declining role in a 21st-century economy. Mr. Obama’s bet is that as his regulations get woven into the fabric of the economy, they will be harder for anyone to unwind. He says that his successor should promote past victories, including those of Republicans like Richard M. Nixon and George Bush.

For his part, Mr. Obama said he planned to stay active in fighting climate change in his post-presidential life. During his tour of the wildlife on Midway, he paused to make an improbable remark.

“My hope,” he said, “is that maybe as ex-president I can have a little more influence on some of my Republican friends, who I think up until now have been resistant to the science.”

Julie Hirschfeld Davis reported from Midway Atoll, and Mark Landler and Coral Davenport from Kaneohe Bay, Hawaii.

A version of this article appears in print on September 8, 2016, on page A1 of the New York edition with the headline: 'Terrifying' Path of Climate Crisis Weighs on Obama.

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Greater New Orleans

Showdown over oil pipeline becomes a national movement for Native Americans



In this photo provided by LaDonna Allard, Green Party presidential candidate Jill Stein, second from right, participates in an oil pipeline protest, Tuesday, Sept. 6, 2016 in Morton County, N.D. North Dakota authorities plan to pursue charges against Green Party presidential candidate Jill Stein for spray painting construction equipment at a Dakota Access Pipeline protest. Morton County Sheriff Kyle Kirchmeier said Tuesday that the charges would be for trespassing and vandalism. (LaDonna Allard via AP)

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on September 07, 2016 at 2:20 PM

CANNON BALL, N.D. □ The simmering showdown here between the Standing Rock Sioux Tribe and the company building the Dakota Access crude oil pipeline began as a legal battle.

It has turned into a movement.

Over the past few weeks, thousands of Native Americans representing tribes from all over the country have traveled to this central North Dakota reservation to camp in a nearby meadow and show solidarity with a tribe they believe is once again receiving a raw deal at the hands of commercial interests and the U.S. government.

Frank White Bull, a tribal council member of the Standing Rock Sioux Tribe, was overcome with emotion as he looked out over the ocean of brightly colored tipis and tents that have popped up on this impromptu 80-acre campground.

"You think no one is going to help," said White Bull, 48. "But the people have shown us they're here to help us. We made our stance and the Indian Nation heard us. It's making us whole. It's making us wanyi oyate. One nation. We're not alone."

At issue for the tribes is the 1,772-mile Dakota Access pipeline—or DAPL—that runs through North and South Dakota, Iowa and Illinois, and has a capacity to transport more than 500,000 barrels of oil a day. The \$3.8 billion pipeline now under construction was approved by the U.S. Army Corps of Engineers to cross under the Missouri River just a mile north of the reservation.

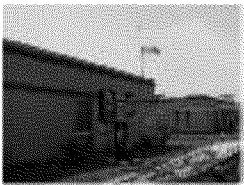
That decision angered the tribe, because the Missouri is the source of water for the reservation's 8,000 residents. Any leak, tribal leaders argue, would do immediate and irreparable harm. And tribal leaders point to what they see as a double standard, saying that the pipeline was originally planned to cross the Missouri north of Bismarck, the state capital, but was rerouted because of powerful opposition that did not want a threat to the water supply there.

The tribe says it also is fighting the pipeline's path because even though it does not cross the reservation, it does traverse sacred territory taken away from the tribe in a series of treaties that were forced upon it over the past 150 years.

The reservation sued the Corps in July, saying that the agency had not entered into any meaningful consultation with the tribe as required by law and that the Corps had ignored federal regulations governing environmental standards and historic preservation.

"The construction and operation of the pipeline, as authorized by the Corps, threatens the Tribe's environmental and economic well-being, and would damage and destroy sites of great historic, religious and cultural significance to the Tribe," the lawsuit asserts.

"This pipeline is going through huge swaths of ancestral land," said Dean DePountis, the tribe's lawyer. "It would be like constructing a pipeline through Arlington Cemetery or under St. Patrick's Cathedral."



La. school reverses ban on Indians wearing feathers at graduation

Tensions flared Saturday when Dakota Access workers plowed under two locations adjacent to the pipeline path that just a day earlier the tribe had identified in a court filing as sacred and historic sites. When tribe members and others tried to prevent the action, they were stopped by private security workers for Dakota Access who used guard dogs and pepper spray to drive them back. Photos of the encounter shared online showed snarling German shepherds lunging at protesters. A spokesman for the tribe said six protesters were bitten. The Morton County Sheriff's Department reported that four security guards and two dogs were injured.

That incident prompted the tribe's lawyers, from the nonprofit legal organization Earthjustice, to request a temporary restraining order on any further construction on the pipeline in that location.

U.S. District Judge James Boasberg on Tuesday ordered a halt to construction in the area immediately adjacent to the Missouri on the west side and 20 miles on the east side until Friday. The decision did not satisfy tribal leaders, who had hoped the construction stoppage would apply to a larger area. Boasberg said he will issue a ruling Friday on the tribe's request to halt all work on the project until permitting issues and the tribe's disputes with the Corps have been properly addressed.

Lawyers for the Corps have argued in court that there was a standard review process for the pipeline and that the Standing Rock Sioux Tribe was consulted on the project.

Representatives of Dakota Access, a subsidiary of Texas-based Energy Transfer Partners, declined to comment for this article.

On its website, Direct Access says the pipeline allows the oil to be moved in "a more direct, cost-effective, safer and environmentally responsible manner," will create 8,000 to 12,000 jobs, and that its construction will deliver nearly \$1 billion in direct spending to the U.S. economy. It also will help reduce U.S. dependence on foreign oil, the company says.

Large labor unions, including the Laborers' International Union of North America, have supported the pipeline and in a statement characterized protesters as "extremists."

Even as the battle over the pipeline was playing out in court, support for the tribe's position poured in from all over. The United Nations Permanent Forum on Indigenous Issues called on the United States to provide the tribe a "fair, independent, impartial, open and transparent process to resolve this serious issue and to avoid escalation into violence and further human rights abuses." More than 200 Native American tribes have declared their support and many have sent food and other supplies.

On social media, activists have used the #noDAPL hashtag to spread information about the protest and provide live video feeds from the campsite and from protests. Actors Leonardo DiCaprio, Shailene Woodley, Rosario Dawson and Susan Sarandon have offered support to the tribe's efforts.

Environmentalists also have joined the fray, hoping to halt construction of the pipeline and make it go the way of the Keystone XL pipeline, which was ultimately killed by an order from President Barack Obama last year. Obama and first lady Michelle Obama visited the Standing Rock reservation in 2014. The tribes and environmental groups have appealed to the president to use his authority to halt the Dakota Access project, but so far they have had no response from the White House.

Green Party presidential candidate Jill Stein toured the area and met with protesters Tuesday. Speaking at a campfire meeting in the evening, she called on Obama to "take back this illegitimate permit given by the Army Corps of Engineers."

Neither Hillary Clinton nor Donald Trump has stated a position on the pipeline.

For Native American environmentalists, the cause extends beyond the boundaries of the reservations.

"The goal is to stop the pipeline, and it's not just for us," said Nick Tilson, 34, of the Pine Ridge Indian Reservation in South Dakota. "We know there are 17 million people downstream from us. The problem is bad for whatever community is near this pipeline. It's not going to be if it breaks; it's going to be when it breaks."



La. school reverses ban on Indians wearing feathers at graduation

At the growing campsite, just a mile down the road from the pipeline's planned route, a sense of rural village life is emerging. In addition to individual campsites, there is a central kitchen where meals are prepared morning, noon and night. Another huge tent provides clothing, food and toys. Water and other supplies arrive by the truckload. Children run about kicking a basketball and squealing. The whinnies of horses blends with the whirl of a chain saw cutting firewood and the far-off beat of a drum. Smoke fills the air.

Many of the Native Americans who have come here speak of a spiritual reawakening taking place. Their messages are peaceful but determined.

As morning broke Tuesday, Jefferson Greene, a member of the Confederated Tribes of Warm Springs, Oregon, greeted the day with a song in Ichshkiin, his voice carrying across the slowly stirring campground. The song was giving thanks for the light coming over the horizon and for the strength it provides, he said. Greene had arrived the night before with his aunt and his young son.

"There's such a feeling of unity here," he said. "When tribes put the call out for help, we need to support them. We all need to be here for each other."

Jo Kay Dowell, 59, of Tahlequah, Oklahoma, was beginning her third week at the camp in a tent she shares with her daughter Anna Walker, 25, and granddaughter Kyah Vann, 6.

Dowell, a member of the Quapaw and Cherokee tribes, said she has become frustrated hearing from so many Native Americans that "there's nothing we can do about it" when it comes to standing up for tribes' rights.

"To see this many people come fight for something like this is a dream come true," she said.

Drucilla Burns, an octogenarian and tribal elder from Fort Mojave Indian Tribe in Needles, California, sat under a stretched tarp eating a breakfast of tortillas and buffalo cooked over a nearby fire.

"Water is what we're made of," Burns said. "We're supposed to be the protectors of the land and water. My god, they took everything away from us. And now they want to take our water, too?"



Native American tribes in Louisiana still want federal status, newspaper says

No one here is sure what will happen next. If the judge rules to halt construction, that will be a victory for the tribe, but it could be short-lived. Dakota Access will certainly challenge any effort to halt the pipeline construction, even for a short period. The courtroom battles are likely continue for some time.

But supporters say that the camp will not disappear and that the protesters won't simply walk away unless an acceptable agreement is reached.

"People here are staying for the long haul," said Robert Taken Alive, 51, a council representative for the Standing Rock Sioux Tribe. "This is a true gathering of nations."

For Dave Archambault, chairman of the Standing Rock Sioux Tribe, the questions about what happens next are existential. Standing in his back yard, he smoked a cigarette and recited a list of treaties that his people made with the government that were broken whenever economic interests outweighed tribal rights.

"How do you eliminate a race?" he asked, letting the question hang in the air. "That's what the government has been trying to do for 200 years. But we're still here. We have maintained our culture. We've maintained our way of life. We've maintained our dignity. We're still here."

Written by Joe Heim, The Washington Post.

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Apache makes significant oil and gas discovery in West Texas

By Jennifer Hiller September 7, 2016 Updated: September 7, 2016 10:27pm

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Photo: Courtesy /Courtesy

IMAGE 1 OF 8

Apache operations in its new field, Alpine High, in West Texas' Permian Basin. Apache holds 307,000 acres mostly in Reeves County — roughly 20 percent of the county.

Apache Corp. on Wednesday announced what may be this decade's biggest oil and gas discovery in West Texas' Permian Basin, the nation's hottest oil field, though this find is an area where drillers never before have struck it rich.

The discovery, which Houston-based Apache is calling the “Alpine High,” is centered around southwestern Reeves County.

It holds an estimated 3 billion barrels of oil and 75 trillion cubic feet of rich gas, the company said, in just two of five geologic zones that are stacked on top of each other like a layer cake.

Apache estimated the field, previously overlooked and considered largely unsuitable for drilling, could be worth between \$8 billion and \$80 billion, the Wall Street Journal reported. The company’s shares rallied by as much as 13 percent shortly after the news was announced, closing up 6.7 percent at \$55.13 a share.

“It’s just geologically complex, and it took some unraveling and a lot of good unconventional technical work,” CEO John Christmann told investors at the Barclay’s CEO Energy-Power Conference in New York. “It took a very unique team doing some very detailed work over a very long time to uncover this prize.”

BUSINESS

Apache makes significant oil and gas discovery in West

Texas



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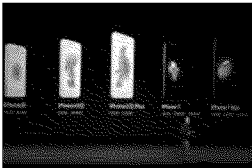
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The Permian Basin, which has produced 29 billion barrels of oil and is estimated to have more in recoverable reserves, has been pumping oil since the first commercial well in 1921. It now has 202 drilling rigs, 41 percent of those working in the U.S., but the Alpine High field treads new territory. If drilling continues, it would expand the footprint of the Permian.

“There’s about 120 wells in that area in maybe all of history,” said R.T. Dukes, an analyst with the research and consulting firm Wood Mackenzie. “They’re not in a legacy producing area.”

The Alpine High also is in a part of West Texas considered more environmentally sensitive because the artesian springs that feed the crystal clear West Texas oasis of Balmorhea.

It’s not far from the University of Texas’ McDonald Observatory in the Davis Mountains in neighboring Jeff Davis County, where astronomers have worried about the encroaching nighttime lights and sky glow of the 24-hour oil field.

The company’s test wells this year had been raising the concern of residents, and Apache said it has created exclusion zones and won’t drill under Balmorhea State Park, though it owns the mineral rights there, or inside or under the city limits of Balmorhea.

“We are also taking proactive steps to ensure well integrity and monitor water quality on an ongoing basis,” spokeswoman Castlen Kennedy said by email. It’s working with the observatory to limit the impact of operations in the area, she said.

The company is working well to the west than others in Reeves County, and Eric Potter with the Bureau of Economic Geology at the University of Texas at Austin said Apache primarily is targeting deep rock oil and gas formations, the Woodford and Barnett, where few companies have made good wells.

“There’s almost no commercial Barnett or Woodford in the Permian. They’re saying they’ve cracked the code,” Potter said. “It’s very refreshing to hear this. The announcements of this type by the kind of company like Apache are few and far between. They expect to make money on these wells pretty much at today’s prices. That’s significant.”

The Barnett Shale is better known in North Texas for the prolific and eponymous gas field around Fort Worth. More than a decade ago, as the Barnett boomed in North Texas, Potter said drillers tried to replicate that success in West Texas.

“People rushed out there because they knew the Barnett was present, and they couldn’t make it work,” Potter said.

Interest in the West Texas Barnett fizzled.

Apache said there’s also potential in the Pennsylvanian and the more shallow, popular Permian targets: the Wolfcamp and the Bone Spring formations.

Altogether, the company can drill into rocks that are 4,000 to 5,000 feet thick. It has locked up 307,000 acres, including nearly 20 percent of Reeves County.

Apache said it has drilled 19 test wells in the area, with nine wells producing.

Christmann said the company leased 182,000 acres in Reeves County in the second half of 2015. The industry was slogging through Year 2 of the oil bust, which started in summer 2014, and “things were kind of at their worst and we were scratching for dollars,” he said.

It added to its Alpine High acreage this year, with leasing costs of just \$1,300 per acre, “which is just amazing,”

Christmann said. Other Permian deals this year have cost firms tens of thousands per acre. But Christmann said the assumptions about this area were wrong. Everyone thought contained a lot of clay, which makes drilling difficult, (it doesn't have much clay) and was mostly the less profitable dry gas (it's not).

Christmann said there are 2,000 to 3,000 future drilling locations in the Woodford and Barnett formations.

"This really is a giant onion that is going to take us years to pull back and uncover," he told investors at the conference.

The acreage is centered around the desert oasis of Balmorhea State Park, built by the Civilian Conservation Corps in the 1930s. Water flows into the park from San Solomon Springs, the largest in a series of interconnected springs in the area, and home to endangered desert fishes, the Pecos gambusia and the Comanche Springs pupfish.

Trey Gerfer, board president of the Big Bend Conservation Alliance, said the group has several concerns, including possible contamination and overpumping.

"There's not really any comprehensive management of the pumping and no credible data being collected as far as how much water do we have, how much do the farmers need, how much do the frackers need," Gerfer said. "The concern is that those springs could be damaged or overpumped to nonexistence. The town relies on that oasis. The entire region relies on that oasis."

Nearby Comanche Springs in Fort Stockton was pumped dry in the 1960s for agricultural use.

Kennedy said Apache is working to reduce its water needs, and is metering all water it withdraws. If water was needed for the long term, Kennedy said Apache would look at using brackish water or recycling the water it does use.

In other parts of the Permian, the company has received kudos for on-site water recycling programs.

Reeves County is part of a 28,000-square-mile, dark-sky reserve that requires companies to regulate outdoor lighting to protect the McDonald Observatory, whose Hobby-Eberly Telescope atop Mount Fowlkes is the largest in North America. The reserve was created by the Legislature in 2011, though enforcement and awareness have been spotty.

Bill Wren, a special assistant to the superintendent at the observatory, said officials there have a meeting next week with Apache, and that the Permian Basin Petroleum Association and the state's oil and gas regulator, the Texas Railroad Commission, have been spreading the word about the dark-sky efforts.

The bright lights from drilling and fracking can threaten the observatory. Wren said a parallel concern is gas flaring, which is common early in the development of a field before things such as pipelines and gas plants are built.

"They'll certainly be aware of the issue," Wren said. "What they'll be able to do about it in the field is the next question."

Apache said it will put \$500 million in the Apache High this year, a quarter of its capital spending.

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EPA Issues Updated CSAPR Rule in Push for Compliance with More Stringent 2008 Ozone NAAQS

EPA Issues Updated CSAPR Rule in Push for Compliance with More Stringent 2008 Ozone NAAQS

09/07/2016 | Sonal Patel

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Updates finalized by the Environmental Protection Agency (EPA) to its Cross-State Air Pollution Rule (CSAPR) identify nitrogen oxide emission (NO_x) reductions from power plants in 22 states to help states address transported pollution under the agency's more stringent 2008 ozone air quality standards.

It marks the first time the EPA has updated an existing program to address interstate transport of air pollution under a new air quality standard.

The EPA's original CSAPR rule, finalized in July 2011, was designed to help states meet the 1997 ozone National Ambient Air Quality Standards (NAAQS). After lengthy delays stemming from legal challenges, the Supreme Court in 2014 ultimately upheld the rule (<http://www.powermag.com/supreme-court-revives-csapr/>), and implementation began in January 2015.

Last November, however, the EPA proposed updates to the rule (<http://www.powermag.com/csapr-update-proposed-for-23-states-in-eastern-u-s/>) with the intent of slashing more NO_x emissions from power plants in the eastern half of the U.S. by reworking CSAPR to address compliance with the March 2008-issued NAAQS, which sets an 8-hour standard at 75 parts per billion (ppb). Today (September 7), it finalized that rule.

The "Final Cross-State Air Pollution Rule Update for the 2008 NAAQS (<https://www.epa.gov/airmarkets/final-cross-state-air-pollution-rule-update>)" reflects stakeholder input and more than 15,000 comments received during the public comment process for the proposal, a public hearing, and a July 2015 Notice of Data Availability, the EPA said in a statement.

The updates will apply to 2,875 electric generating units at 886 coal-, gas-, and oil-fired facilities in 22 states in the eastern U.S. starting in May 2017.



([http://cdn.powermag.com/wp-](http://cdn.powermag.com/wp-content/uploads/2016/09/pn-csapr-map.jpg)

[content/uploads/2016/09/pn-csapr-map.jpg](http://cdn.powermag.com/wp-content/uploads/2016/09/pn-csapr-map.jpg)) Under the CSAPR Update, the EPA has determined that ozone season NO_x emissions in 22 eastern states affect the ability of downwind states to meet and maintain the 2008 ozone NAAQS. The 22 states include: Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Missouri, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

Essentially, the new CSAPR rule adopts federal implementation plans (FIPs) for all 22 states, updating the existing CSAPR NO_x ozone season emission budgets for each state's power generating units. The EPA said it will implement these budgets through the existing CSAPR NO_x ozone season allowance trading program.

States will be allowed to replace the FIPs starting in 2018 by submitting state plans that adopt the CSAPR update trading program budgets.

According to the agency, the rule could cost an estimated \$68 million, a figure that will be likely disputed by industry. However, those costs will be outweighed by benefits of up to \$880 million in 2017, the EPA suggested. It estimated that in 2017, this rule and other changes already underway in the power sector would help slash ozone season NO_x emissions by 80,000 tons—a 20% reduction from 2015 levels.

The EPA noted that while it strengthened its ground-level ozone NAAQS last October from the 2008 limit of 75 ppb to 70 ppb (<http://www.powermag.com/epa-will-issue-final-naaqs-ozone-rule-at-70-ppb/>), the updated CSAPR rule is not meant to address the 2015 NAAQS rule. "While reductions achieved by this final rule will aid in meeting and maintaining the 2015 standard, the CSAPR Update to reduce interstate emission transport with respect to the 2008 ozone NAAQS is a separate and distinct regulatory action and is not meant to address the [Clean Air Act's] 'good neighbor' provision with respect to the 2015 ozone NAAQS final rule," it said.

The new rule, meanwhile, addresses the 2014 Supreme Court decision that led the D.C. Circuit in July 2015 to remand Phase 2 ozone season NO_x budgets for 11 states to the EPA for reconsideration.

The EPA moved to withdraw the budgets, but it set new NO_x emissions budgets for eight of the 11 states (Maryland, New Jersey, New York, Ohio, Pennsylvania, Texas, Virginia, and West Virginia) to address interstate transport with respect to the more stringent 2008 ozone NAAQS.

The agency took no new action on the budgets of three of the 11 states (North Carolina, South Carolina, and Florida) because, it said, "modeling for the final rule indicates that under the 2008 ozone NAAQS, these states do not contribute significantly to ozone air quality problems in downwind states."

—Sonali Patel, associate editor (@POWERmagazine, @sonalcpatel)

With Nod to Flint Crisis, Senate Weighs a \$9 Billion Water Infrastructure Bill

By CORAL DAVENPORT SEPT. 7, 2016



A water tower in Flint, Mich., in 2015. Joshua Lott for The New York Times

With senators in a standoff over annual spending bills, the chamber is expected as soon as Wednesday to take up a bipartisan, \$9 billion measure that would authorize spending on the nation's water infrastructure. The bill includes \$280 million to address the crisis over contaminated drinking water in Flint, Mich., as well as funding to combat the pollution runoff that has fed the vast bloom of algae in the waterways of southeastern Florida.

The water bill, introduced by Senators Barbara Boxer, Democrat of California, and James M. Inhofe, Republican of Oklahoma, is a rare sign of agreement between one of the most liberal and one of the most conservative members of Congress. It has wide bipartisan support, and staff members expect it to receive more than 80 votes.

However, the prospects for combining the bill with a more modest \$5 billion House measure, which contains none of the Flint provisions, remain uncertain.

The Water Resources Development Act, which comes around every two years, does not appropriate new taxpayer dollars for spending. Rather, it targets and maps out projects to be addressed when lawmakers appropriate money in the future. A big part of the bill — roughly \$5 billion — is intended for the upkeep of ports, dams, locks, levies and canals managed by the Army Corps of Engineers.

Staff members working on the bill have likened its importance to that of highway infrastructure bills. But senators added the funding package to help the residents of Flint and other communities afflicted by tainted water. The extra money is intended to help those communities make improvements, like installing new pipes and lead-monitoring systems.